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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,917	02/08/2001	Takashi Ikemori	1466.1026	5837

21171 7590 04/20/2004

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EXAMINER

WEBB, JAMISUE A

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/778,917

Applicant(s)

IKEMORI ET AL.

Examiner

Jamisque A. Webb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on papers filed 2/8/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Responses

1. Preliminary Amendment filed 2/8/01 has been entered and considered herein.
2. IDS filed 2/8/01 has been entered and references has been considered.
3. Copy of the Foreign Priority Document has been received and entered into the case.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 4, 5, DB and DASD. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 3-4, 5-7, and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
7. Claim 3 recites the limitation "the area" in line 3. There is insufficient antecedent basis for this limitation in the claim.
8. With respect to Claim 3: the phrase "selecting a consignment relay station displayed on the receiver's terminal by the receiver" is indefinite. It is unclear to the examiner if the receiver

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displays the relay station or if the receiver selects the relay station. The examiner suggests the use of commas to more clearly distinguish what the receiver is actually doing.

9. With respect to Claim 4: With respect to the phrase “wherein information about a privilege is displayed”, this phrase is written in passive form, which causes it to be unclear, the examiner suggest writing the claim as follows: “The home-delivery method according to Claim 3, wherein the method further comprising the step of displaying information about a privilege...”

10. Claim 4 recites the limitation "the designated day and time" in line 5. There is insufficient antecedent basis for this limitation in the claim.

11. With respect to Claim 5 and 8: the phrases “means for instructing the consignment relay station designated by the receiver to delivery the parcel” and “Instructing the consignment relay station designated by the receiver to deliver the parcel” are indefinite. Previously in the claims and in the specification the relay station is where the delivery or parcel is received, therefore it is unclear how the relay station now delivers the parcel.

12. Claim 6 recites the limitation "the area" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

14. Claims 1, 5, 7, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsukuda (6,085,170).

15. With respect to Claim 1: Tsukuda the delivery method comprising:

- a. registering consignment information for the delivered good and for the agent receiving the goods (See Figure 1, and Column 2, lines 42-47);
- b. transmitting delivered goods information, or parcel information from the distribution server to the receiver via e-mail before the goods are delivered (See Figure 5, and column 5, lines 14-32);
- c. receiving information about date, time and consignment relay station, or agent location (column 2, lines 42-47, column 8 line 63 to column 9, line 13 and Figures 5 and 12); and
- d. delivering parcel or goods (column 7, lines 53-55).

16. With respect to Claim 5: Tsukuda discloses the use of a computer system (See Figure 1) comprising:

- a. a database for storing registered information (storage means and memory in Figure 2);

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- b. means for transmitting parcel information (server 111);
 - c. means for receiving parcel information (receiver e-mail, column 5, lines 14-32);
 - d. means for instructing the consignment relay station to deliver parcel (agent server 112, column 5, line 49 to column 6, line 27, and column 7, lines 1-3).
17. With respect to Claim 7: See Tsukuda, column 7, lines 52-55.
18. With respect to Claim 8: Tsukuda discloses a computer-readable recording medium which stores a program (See Figures 1 and 12, and column 12 lines 59-63) comprising:
- a. registering consignment information for the delivered good and for the agent receiving the goods (See Figure 1, and Column 2, lines 42-47);
 - b. transmitting delivered goods information, or parcel information from the distribution server to the receiver via e-mail before the goods are delivered (See Figure 5, and column 5, lines 14-32);
 - c. receiving information about date, time and consignment relay station, or agent location (column 2, lines 42-47, column 8 line 63 to column 9, line 13 and Figures 5 and 12); and
 - d. instructing the agent/relay station to delivery the parcel (column 5, line 49 to column 6, line 27, and column 7, lines 1-3, 53-55).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

a. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claim 2 is rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Tsukuda (6,085,170).

19. Tsukuda discloses a method of delivering parcels, where the size (or dimension) of the parcel is needed (column 9, lines 56-64), and the relay station is chosen (column 6, lines 49-52). Tsukuda discloses the system collecting delivery goods information and also discloses the cost of delivery (column 9 lines 4-8). When shipping parcels or goods, weight is needed to determine the cost or rate of shipping, therefore it is inherent in the Tsukuda reference that the delivery goods information includes weight. If it is not inherent in Tsukuda that the delivery goods information includes weight, then it is well known and obvious to one of ordinary skill in the art at the time the invention was made, that weight is collected when shipping any sort of package or goods, to calculate the rate or cost of shipping and delivery. For example when mailing something such as a business size envelope, the post office weighs the envelope to see if the correct postage is attached to it.

19. Claims 3, 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukuda as applied to claims 1, 2 and 5 above, and further in view of CompUSA (www.CompUSASTore.com).

20. With respect to Claim 3: Tsukuda, as disclosed above for Claim 1, discloses the use of a relay station being an agent location which receives packages, but fails to disclose displaying a map of relay stations for the selection of a station. CompUSA discloses a store locator online, where a map is given and each store is indicated by a dot (See page 1). It would have been obvious to modify Tsukuda by using the map as taught by CompUSA, for the benefit of finding the closest location to the receiver. (See www.CompUSASTore.com, Page 1)

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21. With respect to Claim 4: Tsukuda discloses privilege information such as delivery confirmation, when and after the item is received (Column 9, lines 33-46).

22. With respect to Claim 6: See Tsukuda, Figure 1, the input/output device, which is capable of displaying a map.

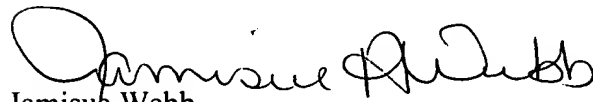
Conclusion


23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
24. US References:
- a. Nicholls (5,631,827) discloses the use of an automated shipping system.
 - b. Caveney (5,038,283) discloses the use of a shipping method.
 - c. Fisher et al. (6,047,264) discloses the use of a system which sends delivery status via e-mail.
 - d. Roach et al. (5,434,394) discloses the use of an automated delivery system from a consignment location.
 - e. Green et al. (5,664,110) discloses the use of an ordering system which allows a user to select date and time for delivery.
 - f. Recktenwald et al. (6,439,345) discloses the use of an item pickup system which notifies the user when his/her item is ready for pick up.
 - g. Stephens et al. (6,323,782) discloses the use of a delivery system which sends a delivery message.
 - h. Kaarsoo et al. (5,475,378) discloses the use of a mail box system.
 - i. Ogilvie et al. (6,344,796) discloses the use of an unattended package delivery system.
26. Foreign References:
- a. Frederick (WO 02/091130 A2) discloses the use of a carrier and package delivery desktop tools for home delivery.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Webb whose telephone number is (703) 308-8579. The examiner can normally be reached on M-F (7:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jamisue Webb


DEANT. NGUYEN
PRIMARY EXAMINER
4/15/04